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Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of:

800 Data Base Access Tariffs  
and the 800 Service Management  
System Tariff

DA 93-1164

CC Docket 93-129

To: Common Carrier Bureau

OPPOSITION TO PETITIONS FOR WAIVER

MCI Telecommunications Corporation (MCI), by its undersigned attorneys, hereby requests that the petitions for waiver<sup>1/</sup> of the cost support requirements of the Order Designating Issues for Investigation<sup>2/</sup> in the above captioned proceeding be denied.

Petitioners request waivers of a fictitious "requirement" in paragraph 29 of the Order, i.e., that "price cap LECs using computer models to develop costs in their direct cases ...disclose those models on the record if their justification for their rates is based on the use of the model." Petitioners have failed to demonstrate good cause for their

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<sup>1/</sup> "Petition for Waiver" filed September 16, 1993 by the participating BOCs identified in footnote 3 of the Bureau's September 27, 1993 Public Notice, Cincinnati Bell, Inc. and Southern New England Telephone Company (collectively, the BOCs); "Contingent Petition for Waiver" filed September 17, 1993 by U S WEST Communications, Inc. (U S WEST); and "GTE's Petition for Waiver" filed September 20, 1993 by GTE Service Corporation (GTE).

<sup>2/</sup> 800 Data Base Access Tariffs and the 800 Service Management System Tariff, Order Designating Issues for Investigation, 8 FCC Rcd 5132 (1993), (Order)

failure to comply with the cost justification alternative in the next sentence of the Order: "If a carrier prefers not to disclose the model it used to allocate costs, it must provide some other justification for its rates."<sup>3/</sup> Accordingly, their waiver requests should be denied.

As MCI noted in opposition to U S WEST's "Petition for Clarification or, in the Alternative, Reconsideration" of the Order:

Both the Bureau (in footnote 28 of this Order) and the Commission (in its recent Order in the LIDB tariff proceeding) have carefully explained why it is inappropriate to permit LECs to rely on non-public cost information in the context of a relatively simple Signaling System 7 (SS7)-based access service such as 800 Access or LIDB. As explained in both decisions, the Commission believed that ONA Access tariffs presented a unique set of circumstances, in which resort to proprietary computer models not fully disclosed on the record was necessary to develop unit investment data for individual basic service elements. In the absence of such unique circumstances, which are clearly not present here, the Commission prudently follows its general policy: that of requiring that cost support materials be submitted on the record and be subject to comment by all interested parties.

Opposition, CC Docket No. 93-129, DA 93-930, filed September 1, 1993 (footnote omitted).

The BOCs' contention that "Alternative means for accurately developing the costs of 800 data base service

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<sup>3/</sup> Of the three petitioners, only GTE quotes both sentences of para. 29 of the Order where the cost justification alternatives are identified. See GTE Petition, n. 2. However, GTE then proceeds -- as did the other petitioners -- to ignore the second alternative and seek a waiver of the first, which it calls the "Disclosure Requirement."

switch features do not exist"<sup>4/</sup> is wholly conclusory and unsupported. U S WEST, on the other hand, tacitly acknowledges that alternative methods of cost development do exist<sup>5/</sup> but proffers no explanation for its failure to include cost justification developed through such other methods in its direct case.

Insofar as petitioners have premised their waiver petitions upon a supposed "Disclosure Requirement," they have clearly misinterpreted paragraph 29 of the Order. By failing to demonstrate the existence of good cause for their failure to "provide some other justification for [their] rates," petitioners have failed to satisfy the "heavy burden" imposed upon a party seeking a waiver.<sup>6/</sup>

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<sup>4/</sup> BOC Petition, at 2.

<sup>5/</sup> U S West Petition, at 2: "The best way to develop...costs is through the use of computer models such as the USWC SCM."

<sup>6/</sup> WAIT Radio v. FCC, 16 R.R. 2d (P&F) 2107 (D.C. Cir., 1969).

WHEREFORE, for the reasons set forth above, MCI respectfully urges the Bureau to deny the petitions for waiver.

Respectfully submitted,  
MCI TELECOMMUNICATIONS CORPORATION

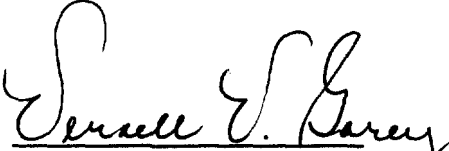


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**CERTIFICATE OF SERVICE**

I, Vernell V. Garey, do hereby certify that copies of the foregoing Opposition to Petitions for Waiver were sent via first class mail, postage paid, to the following on this 12th day of October, 1993.

  
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